

FIRST REGULAR SESSION

# SENATE BILL NO. 130

95TH GENERAL ASSEMBLY

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INTRODUCED BY SENATORS McKENNA, GREEN AND SHOEMYER.

Pre-filed December 18, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

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## AN ACT

To amend chapter 304, RSMo, by adding thereto one new section relating to the use of electronic wireless telecommunication devices while operating a motor vehicle upon the highways of this state, with penalty provisions.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 304, RSMo, is amended by adding thereto one new section, to be known as section 304.820, to read as follows:

**304.820. 1. Except as provided in subsection 2 of this section, no person operating a moving motor vehicle upon the highways of this state shall, by means of an electronic wireless communications device, send, read, or write a text message or electronic message.**

**2. The provisions of subsection 1 of this section shall not apply to a person operating:**

**(1) An authorized emergency vehicle; or**

**(2) A moving motor vehicle while using an electronic wireless communications device to:**

**(a) Report illegal activity;**

**(b) Summon medical or other emergency help;**

**(c) Prevent injury to a person or property; or**

**(d) Relay information between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle.**

**3. Nothing in this section shall be construed or interpreted as prohibiting a person from making or taking part in a telephone call, by means of an electronic wireless communications device, while operating a motor vehicle upon the highways of this state.**

**4. As used in this section, "electronic message" means a self-**

21 contained piece of digital communication that is designed or intended  
22 to be transmitted between electronic wireless communication  
23 devices. "Electronic message" includes, but is not limited to, electronic  
24 mail, a text message, an instant message, or a command or request to  
25 access an Internet site.

26 5. As used in this section, "electronic wireless communications  
27 device" includes any cellular phone, palm pilot, blackberry, or other  
28 mobile electronic device used to communicate verbally or by text or  
29 electronic messaging, but shall not include any built-in navigational or  
30 emergency road service assistance system.

31 6. As used in this section, "making or taking part in a telephone  
32 call" means listening to or engaging in verbal communication through  
33 an electronic wireless communication device.

34 7. As used in this section, "send, read, or write a text message or  
35 electronic message" means using an electronic wireless  
36 telecommunications device to manually communicate with any person  
37 by using an electronic message. Sending, reading, or writing a text  
38 message or electronic message does not include reading, selecting, or  
39 entering a phone number or name into an electronic wireless  
40 communications device for the purpose of making a telephone call.

41 8. A violation of this section shall be deemed a class C  
42 misdemeanor and shall be deemed a moving violation for purposes of  
43 point assessment under section 302.302, RSMo.

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